

HOUSE BILL NO. 511

INTRODUCED BY D. MCGEE

A BILL FOR AN ACT ENTITLED: "AN ACT REPEALING STATE GOVERNMENT PERSONNEL POLICY RULES PROTECTING SEXUAL ORIENTATION; REPEALING ARM 2.21.4001, 2.21.4002, 2.21.4003, 2.21.4004, 2.21.4005, 2.21.4006, 2.21.4007, 2.21.4012, 2.21.4013, AND 2.21.4014; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, the Legislature does not believe that the word "sex", as used in the Montana Constitution, Article II, section 4, includes sexual orientation; and

WHEREAS, the Legislature does not believe that the word "sex", as used in Title 49, MCA, includes sexual orientation and did not intend that the word "sex" include sexual orientation; and

WHEREAS, the Legislature has repeatedly, in recent regular sessions of the Legislature, rejected introduced bills designed to include sexual orientation in the protections included in Title 49, MCA; and

WHEREAS, in *Bell v. State*, 182 Mont. 21 (1979), the Montana Supreme Court held that administrative rules are invalid if they engraft upon a statute additional requirements not envisioned by the Legislature; and

WHEREAS, the Legislature believes that an administrative agency should not, by administrative rule, do that which the Legislature has in recent regular sessions repeatedly expressed its desire not to do.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Repealer.** ARM 2.21.4001, 2.21.4002, 2.21.4003, 2.21.4004, 2.21.4005, 2.21.4006, 2.21.4007, 2.21.4012, 2.21.4013, and 2.21.4014 are repealed.

NEW SECTION. **Section 2. Effective date.** [This act] is effective 45 days after passage and approval to give the department of administration time, after passage and approval, but before the effective date, to adopt rules to replace the rules repealed by [this act].

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